

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 30466 of 1998

Between:

G.Amruth Reddy, S/o Ganga Reddy,
Occ: Conductor, APSRTC,

R/o Subhashnagar, Nizamabad,

Nizamabad Dist.

..... PETITIONER

AND

- 1 The Presiding Officer, Labour Court, Hyd.
- 2 The Depot.Manager, APSRTC,
Nizamabad Depot, Nizamabad, Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the award passed in I.D.No.331/1990 dt.30-3-92 and quash the same as illegal in so far as denial of back wages and continuity of service by issuing writ of certiorari and consequently direct the 2nd respondent to give continuity of service and back wages.

Counsel for the Petitioner: MR.V. NARASIMHA GOUD

Counsel for the 1st Respondent: G.P. FOR LABOUR

Counsel for the 2nd respondent: Sri K. Harinath

The Court made the following:

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W.P.No.30466 of 1998

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ORDER:

The writ petition is filed by the petitioner-workman being aggrieved by the Award dated 30-03-1992, passed by the first respondent-Labour Court, Hyderabad, in I.D.No.331 of 1990, insofar as denying back wages and continuity of service.

The petitioner-workman contends that he was appointed as conductor in A.P.S.R.T.C. in the year 1977, and he has been discharging his duties sincerely and honestly. On 13-03-1980, while he was discharging his duties as conductor, on the bus bearing No.APZ-8875 in the route Nizamabad-Badapahad, at about 5.35 p.m., the checking officials of the Corporation exercised a check at stage No.12/13 and found some irregularities in issuing tickets, and therefore, he was issued a charge memo on the same day. On the basis of the said charge memo, without following due process of law, the second respondent, by his order dated 6-09-1980, removed the petitioner-workman from service. The petitioner further contends that the appeal filed by him before the Divisional Manager, Nizamabad Division, was also dismissed on 16.4.1981. Aggrieved by the same, the petitioner raised a dispute before the first respondent under Section 2 (A) (2) of the Industrial Disputes Act, 1947 (A.P. Amendment Act, 1987) (for short 'the Act'). The first respondent, after hearing both the parties and on considering the evidence on record, took a lenient view of the matter by setting aside the order of removal and directing the Management to reinstate the workman into service as a fresh candidate. However, in

the said award, it was made clear that the petitioner-workman is not entitled for back wages, continuity of service and any other attendant benefits. Aggrieved by the same, the petitioner-workman filed the present writ petition.

Heard Sri V. Narasimha Goud, learned counsel for the petitioner, and Sri K.Harinath, learned standing counsel for the second respondent-Corporation.

The learned counsel for the petitioner submits that the mis-conduct alleged against the petitioner was trivial in nature, and therefore, the award of the first respondent denying back wages, continuity of service and other attendant benefits, is arbitrary and illegal, and the same is liable to be set aside.

I have looked into the award passed by the first respondent. In fact, this is a case of grave mis-conduct on the part of the petitioner-workman. He had reissued 29 tickets of the denomination of Rs.3.15 ps to 29 passengers, who were traveling from Nizambad to Badapahad, (ex-stages 1 to 14). The first respondent while exercising power under Section 11 (A) of the Act, some how took a lenient view of the matter, considering the fact that the workman committed mis-conduct for the first time and pleaded mercy.

Therefore, I am of the opinion that the first respondent ought not to have exercised such a power vested under Section 11(A) of the Act in a case of this nature. Anyhow, the Management has not challenged the award of the first respondent by filing any writ petition. In view of the above, I see no reason to interfere with the award passed by the first respondent-Labour Court, for granting any further relief to the petitioner-workman.

The writ petition is accordingly dismissed. No costs.

C.V. Ramulu, J

29th July, 2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Presiding Officer, Labour Court, Hyd.
- 2 The Depot.Manager, APSRTC,
Nizamabad Depot, Nizamabad, Nizamabad Dist.
3. 2 CCs to G.P. for Labour, High Court buildings, Hyderabad (OUT).
4. 2 CD copies